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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/133,886 08/13/98 JOHNSON

J 10172-9013-V

IM22/0629
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EXAMINER

AHMAD, N

ART UNIT

PAPER NUMBER

1772

DATE MAILED:

06/29/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/133,886

Applicant(s)
JOHNSON

Examiner
Nasser Ahmad

Art Unit
1772



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Apr 2, 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 39, 41, and 72-74 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 39, 41, and 72-74 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other:

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DETAILED ACTION

1. Instruction to rewrite specification, page -9, lines 13-16 in amendment filed on April 2, 2001 has not been entered because it is unclear as to whether the lines 13-16 is to be deleted and substituted with the new phrase presented.
2. Claims 39, 41, 72 and 74 are rejected under 35 USC 102(b) as being anticipated by Ausnit '962 for reasons of record in paper no. 11, paragraph-2, mailed December 14, 2000 and in paper no. 7, paragraph-3, mailed June 12, 2000.
3. Claims 39, 41 and 72-74 are rejected under 35 USC 102(b) as being anticipated by Ausnit '224 for reasons of record in paper no. 11, paragraph-3 and in paper no. 7, paragraph-4.
4. Claims 39, 41 and 72-74 are rejected under 35 USC 103(a) as being unpatentable over Ausnit '962 or Ausnit '224 for reasons of record in paper no. 11, paragraph-4 and in paper no. 7, paragraph-6.
5. Applicant's arguments filed April 2, 2001 have been fully considered but they are not persuasive. Applicant argues that Ausnit '962 neither suggests nor teaches a tape comprising a lip with U-shaped fold forming a closed end connected to a reclosable fastener. This is not formed to be persuasive because, as shown in figure 1 of Ausnit '962, the tape comprises a U-shaped fold 13 forming a closed end connected to a reclosable fastener 15. As for the fastener, it is a separable fastener and the arrowhead shaped rib and groove formation is an example of the various known complementary formations. The fastener is attached to the flange. However, applicants statement referring to Ausnit's figure-1 and col. 2, lines 44-48 could not be understood.

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Similarly, contrary to applicants' allegation, Ausnit '224 recites a structure having a U-shaped fold forming a closed end of the lip, an opposite wall connected to the lip (see figure-4). The U-shape fold is numeral 50 with opposite wall being 48 or 49.

Regarding applicants' argument of the rejection under 35 USC 103(a), the above grounds of reasons apply *a fortiori* to this argument.

Thus, in the absence of any evidence to the contrary, it remains the Examiner's position that the instant claimed invention would have been anticipated or rendered obvious over the prior art of record discussed above.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is (703) 308-4424. The examiner

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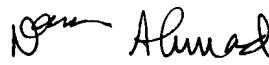
can normally be reached on Monday-Thursday from 8:30 am to 6:00 pm. The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on (703) 308-4251. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-3599.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

N. Ahmad:evh

06/27/01


NASSER AHMAD
PRIMARY EXAMINER